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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,298	12/28/2001	Ramond M. Haynes	RIGHTLN.002A	2767

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

27

Office Action Summary

Application No.

10/036,298

Applicant(s)

RAMOND M. HAYNES

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-30 are presented for examination.

DRAWINGS

2. The drawings filed on April 5, 2002 have not been approved by the drafts person because the drawings, figures 5B-5K, comprise color drawings. The color drawings are not acceptable until a petition has been granted. Refer to the attached PTO-948.

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

INFORMATION DISCLOSURE STATEMENT

3. The information disclosure statements filed on July 15, 2002, paper no. 4, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

PRIORITY

4. Applicant has complied and receives the benefit of priority of an earlier filing date to application 60/259,194 filed on December 28, 2000.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (Pat. No. 6,658,568 B1 filed October 26, 1999, hereinafter Ginter).

7. Regarding Claim 1, Ginter teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management.

The method and associated system for a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management as taught or suggested by Ginter includes:

defining a first rights characteristic (col. 18, lines 5-27, 'The rights holders in video program 102a may insist upon the protected processing environment 154 providing a copy protection mechanism 120 that securely protects against copying video program 102a. Distributed Commerce Utility 75 may include a special purpose Commerce Utility System 90c called a "rights and permissions clearinghouse"...', col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66); defining a first hierarchy (figures 8A-8B, col. 25, lines 25-55, '...Commerce Utility Systems 90 or functions can be arranged in a hierarchy.', col. 26, lines 15-29) having a first set nodes (figure 8A-8B elements 500(1) 500(2) 500(3) 'Certifying Authority', 200(1) 200(2) 200(3) 'Financial ClearingHouse', 400(1) 400(2) 400(3) 'R&P ClearingHouse'..., col. 25, lines 25-55 '...FIG. 8B shows another example of a administrative and support service hierarchy.', col. 26, lines 15-29) with corresponding rights characteristics values for the first rights characteristic (figure 8B elements 400(1) 400(2) 400(3) 'R&P ClearingHouse', col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, 'Rights and permissions clearinghouse 400 stores and distributes electronic permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized "repository" or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...'); identifying ancestors (col. 25, lines 25-55 '...an overall financial (or other) clearinghouse 200(N)

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may oversee and/or have ultimate responsibility for the operations of numerous other financial (or other) sub-clearinghouses 200(1), 200(2)...', figure 9 element 90(1) 'Master ClearingHouse', col. 26, lines 15-64 '...a hierarchical chain of command and a high degree of cooperation in the horizontal direction...Commerce Utility Systems 90(1) (for example, a financial clearinghouse 200) on level 1 having the most authority...' and decedents within the first set of nodes (col. 26, lines 15-64, '...Commerce Utility Systems on levels 2, 3, 4, and 5...clearing houses on levels 4 and 5 might have sub-types as well as types...Type A might be responsible for consumer credit, Type B for electronic checks, and Type C for commercial credit...'); assigning node identifiers to the first set nodes (figure 8A-8B elements 500(1) 500(2) 500(3) 'Certifying Authority', 200(1) 200(2) 200(3) 'Financial ClearingHouse', 400(1) 400(2) 400(3) 'R&P ClearingHouse', 300(1) 300(2) 300(3) 'Usage ClearingHouse', 700(1) 700(2) 700(3) 'Transaction Authority'...'); identifying a first set of rights for a first property (figure 8B elements 400(1) 400(2) 400(3) 'R&P ClearingHouse', col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, 'Rights and permissions clearinghouse 400 stores and distributes electronic permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized "repository" or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...'), the first set of rights corresponding to at least a portion of the first set nodes (figure 8B elements 400(1) 400(2) 400(3) 'R&P ClearingHouse', col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, 'Rights and permissions clearinghouse 400 stores and distributes electronic

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permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized “repository” or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...’); and retrieving rights related information using a joining of the first set of rights and the first hierarchy (figure 8B elements 400(1) 400(2) 400(3) ‘R&P ClearingHouse’, col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, ‘Rights and permissions clearinghouse 400 stores and distributes electronic permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized “repository” or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...’, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67).

8. Regarding Claim 2, Ginter teaches the first set of rights includes at least a first rights exclusion (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66).

9. Regarding Claims 3 and 21, Ginter teaches rights available for licensing (col. 41, lines 55-67).

10. Regarding Claim 4, Ginter teaches a second set of rights corresponding to at least a second portion of the first set nodes (col. 18, lines 5-26, col. 25, lines 25-55, col. 26, lines 15-29, col. 29, lines 59-67, col. 30, lines 1-52).

11. Regarding Claims 5, 20, 22, and 24, Ginter teaches rights includes a language right (col. 70, lines 40-44), a territory right (col. 25, lines 52 and 53, col. 26, lines 58 and

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59), and a media right (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58).

12. Regarding Claim 6, Ginter teaches right characteristic is one of media rights (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58).

13. Regarding Claim 7, Ginter teaches the values include "Worldwide" and "Europe" (col. 26, lines 57-59).

14. Regarding Claim 8, Ginter teaches a label to the first hierarchy (col. 25, lines 25-55, col. 26, lines 15-29).

15. Regarding Claim 9, Ginter teaches a first, second, and third levels (col. 26, lines 15-64) at a country node (col. 25, lines 52 and 53, col. 26, lines 57-59) and an ancestor to the levels (col. 25, lines 25-55, col. 26, lines 15-64).

16. Regarding Claim 10, Ginter teaches a first and second level (col. 26, lines 15-64) at a language node (col. 70, lines 40-44) and an ancestor to the levels (col. 25, lines 25-55, col. 26, lines 15-64).

17. Regarding Claim 11, Ginter teaches a first and second level (col. 26, lines 15-64) at a media-type node (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58) and an ancestor to the levels (col. 25, lines 25-55, col. 26, lines 15-64).

18. Regarding Claim 12, Ginter teaches defining a second rights characteristics (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66); and defining a second hierarchy having a second set nodes with corresponding rights characteristics

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values for the second rights characteristic (col. 25, lines 25-55, col. 26, lines 15-29, col. 29, lines 59-67, col. 30, lines 1-52, col. 18, lines 5-26).

19. Regarding Claim 13, Ginter teaches rights characteristic is territory (col. 25, lines 52 and 53, col. 26, lines 57-59) and the second rights characteristic relates to a time period (col. 48, lines 1-43).

20. Regarding Claim 14, Ginter teaches a licensor of the first property (col. 41, lines 55-67).

21. Regarding Claim 15, Ginter teaches a second hierarchy (col. 25, lines 25-55, col. 26, lines 15-64) having a second set of nodes (col. 25, lines 25-55, col. 26, lines 15-29, col. 29, lines 59-67, col. 30, lines 1-52, col. 18, lines 5-26) ordered differently than the first set of nodes (col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67), the second set of nodes having rights characteristic values (col. 25, lines 25-55, col. 26, lines 15-29, col. 29, lines 59-67, col. 30, lines 1-52, col. 18, lines 5-26) that include a portion of rights characteristic values to the first set of nodes (col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67).

22. Regarding Claims 16 and 19, Ginter teaches defining a first set of rights characteristics (col. 18, lines 5-27, 'The rights holders in video program 102a may insist upon the protected processing environment 154 providing a copy protection mechanism 120 that securely protects against copying video program 102a. Distributed Commerce Utility 75 may include a special purpose Commerce Utility System 90c called a "rights

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and permissions clearinghouse"...', col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66); assigning rights characteristics values to the first set of rights characteristics (figure 8B elements 400(1) 400(2) 400(3) 'R&P ClearingHouse', col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, 'Rights and permissions clearinghouse 400 stores and distributes electronic permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized "repository" or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...'); associating a first portion of the first set of rights characteristics with a first hierarchy having a first set of nodes (figure 8B elements 400(1) 400(2) 400(3) 'R&P ClearingHouse', col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, 'Rights and permissions clearinghouse 400 stores and distributes electronic permissions 404...Permissions 404 grant and withhold permissions...rights and permissions clearinghouse 400 may act as a centralized "repository" or clearinghouse for rights associated with digital content. For example, broadcasters, authors, and other content creators and rights owners...', col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67); associating a second portion of the first set of rights characteristics with a second hierarchy having a second set of nodes (col. 25, lines 25-55 '...FIG. 8B shows another example of a administrative and support service hierarchy.', col. 26, lines 15-29, figure 8B element 500(1) 500(2) 500(3) 'Certifying Authority', col. 29, lines 59-67, col. 30, lines 1-52, 'Certifying authority 500 issues digital certificates 504 that provide a context for electronic rights management.', col. 18, lines 5-26, '...a "certifying authority" 500 that

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creates and provides "digital certificates" 504 to the protected processing environment 154 allowing the consumers to efficiently interact with the permissions provided by the rights holders. '); identifying generational relationships for the first set of nodes of the first hierarchy (col. 25, lines 25-55, col. 26, lines 15-64); identifying generational relationships for the second set of nodes of the second hierarchy (col. 25, lines 25-55, col. 26, lines 15-64); defining a first set of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66), the first set of rights corresponding to at least a first portion of at least one of the first set of nodes (col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67) and the second set of nodes (col. 25, lines 25-55, col. 26, lines 15-64, col. 29, lines 59-67, col. 30, lines 1-52, col. 18, lines 5-26); associating a first set of rights with a first media property (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58); defining a second set of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66), the second set of rights corresponding to at least a second portion of at least one of the first set of nodes (col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67) and the second set of nodes (col. 25, lines 25-55, col. 26, lines 15-64, col. 29, lines 59-67, col. 30, lines 1-52, col. 18, lines 5-26); associating the second set of rights with a second media property (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58); determining available rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66) for the first media property (col. 18, lines 5-26, col. 26, lines 65-67,

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col. 27, lines 1-8, col. 29, lines 4-16 and 50-58) in response to a first user request from a user (col. 71, lines 38-65) by navigating at least one of the first and second hierarchies defined (col. 25, lines 25-55, col. 26, lines 15-64, col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67) in the first set of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66); and determining available rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66) for the second media property (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58) in response to a second user request (col. 71, lines 38-65) by navigating at least one of the first and second hierarchies (col. 25, lines 25-55, col. 26, lines 15-64, col. 28, lines 62-67, col. 29, lines 1-28 and 40-58, col. 33, lines 44-67, col. 34, lines 1-4 and 59-66, col. 68, lines 27-33, col. 70, lines 23-44 and 55-67) defined in the second set of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66).

23. Regarding Claims 17 and 18, Ginter teaches rights licensor/licensee (col. 41, lines 55-67).

24. Regarding Claims 23, 25, 26, and 30, Ginter teaches receiving a specification of a general level of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66) owned by a first intellectual property rights owner (col. 18, lines 5-26, col. 26, lines 65-67, col. 27, lines 1-8, col. 29, lines 4-16 and 50-58); receiving a query (col. 71, lines 38-65, col. 81, lines 25-40) for a lower level right that is a descendent (col. 25, lines 56-59, col. 26, lines 15-64) of at least one of the general level of rights (col. 18,

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lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66); and determining if the lower level rights (col. 25, lines 56-59, col. 26, lines 15-64) is available for licensing (col. 29, lines 58-66, col. 30, lines 1-40) by forming at least a first implicit relationship between the general level of rights (col. 18, lines 5-27, col. 22, lines 30-63, col. 23, lines 5-22, col. 34, lines 59-66) owned and a general level of rights licensed out (col. 41, lines 55-67).

25. Regarding Claim 27, Ginter teaches larger time period (col. 48, lines 1-43).

26. Regarding Claim 28, Ginter teaches larger geographical area (col. 25, lines 52 and 53, col. 26, lines 58 and 59).

27. Regarding Claim 29, Ginter teaches larger number of languages (col. 70, lines 40-44).

CONCLUSION

28. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Hunter et al. (U.S. Pat. No. 6,298,327 B1) discloses an expert support system for authoring invention disclosures; and

B. Barney (U.S. Pat. No. 6,289,341 B1) discloses intelligent agent for identifying intellectual property infringement issues in computer network sites and method of operation thereof.

NAME OF CONTACT

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
April 14, 2004



JOHN BREENE
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